

By the Commission, Chairman Morgan,
Vice Chairman Owen, and Commissioners
Simmons and McDonald.

Vernon A. Williams,
Secretary.

[FR Doc. 95-9224 Filed 4-13-95; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-1 (Sub-No. 261X)]

**Chicago and North Western Railway
Company—Abandonment Exemption—
Mankato, Minnesota, Spur**

Chicago and North Western Railway Company (C&NW) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 1.7-mile line of railroad between milepost 1.2 and milepost 2.9 in Mankato, Blue Earth County, MN.¹ C&NW proposes to consummate the abandonment on May 17, 1995.

C&NW has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) all overhead traffic has been rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 17, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,²

¹ Although C&NW refers to the line as an industrial spur which is not ordinarily subject to the Commission's abandonment jurisdiction, 49 U.S.C. 10907(b)(1), it notes that the line was formerly part of a longer C&NW mainline.

² A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made before the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its

formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29⁴ must be filed by April 27, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 8, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Robert T. Opal, 165 North Canal Street, Chicago, IL 60606-1551.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

C&NW has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 21, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 7, 1995.

By the Commission, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 95-9225 Filed 4-13-95; 8:45 am]

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[Docket No. AB-290 (Sub-No. 167X)]

**Norfolk Southern Railway Company—
Abandonment Exemption—Between
Hester, Vidalia and Kirby, GA**

Norfolk Southern Railway Company (NS) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 43.6 miles of rail line between milepost GF-125 at Hester and milepost GF-149.6 at Vidalia and between milepost GF-152 at Vidalia and milepost GF-171 at Kirby, in Jeff Davis,

request as soon as possible in order to permit the Commission to review and act on the request before the effective date of this exemption.

³ See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

⁴ The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

Montgomery, Toombs, and Emanuel Counties, GA.

NS has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted; (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (service of environmental report on agencies), 49 CFR 1105.8 (service of historic report on State Historic Preservation Officer), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (service of verified notice on governmental agencies) have been met.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on May 13, 1995 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file offers of financial assistance under 49 CFR 1152.27(c)(2),² and trail use/rail banking statements under 49 CFR 1152.29 must be filed by April 24, 1995.³ Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 3, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: James R. Paschall, Norfolk Southern Corporation,

¹ A stay will be issued routinely where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental grounds is encouraged to file promptly so that the Commission may act on the request before the effective date.

² See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

³ The Commission will accept late-filed trail use statements so long as it retains jurisdiction.

Three Commercial Place, Norfolk, VA 23510.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

NS has filed an environmental report which addresses the abandonment's effects, if any, on the environment or historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 18, 1995. Interested persons may obtain a copy of the EA from SEA by writing to it at (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEA at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 6, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95-9226 Filed 4-13-95; 8:45 am]

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Release of Waybill Data

The Commission has received a request from Sidley & Austin counsel for Canadian Pacific Rail System (CPRS) for permission to use certain data from the 1993 and 1994 I.C.C. Waybill Samples. A copy of the request (WB471-4/05/95) may be obtained from the I.C.C. Office of Economic and Environmental Analysis.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to this request, they should file their objections with the Director of the Commission's Office of Economic and Environmental Analysis within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.8.

Contact: James A. Nash, (202) 927-6196.

Vernon A. Williams,

Secretary.

[FR Doc. 95-9227 Filed 4-13-95; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Scott R. Barrett, Jr., M.D.; Revocation of Registration

On February 7, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Scott R. Barrett, Jr., M.D., of Ballwin, Missouri. The Order to Show Cause sought to revoke Dr. Barrett's DEA Certificate of Registration, AB7432571, and to deny any pending applications for renewal of such registration.

The Order to Show Cause was first sent by registered mail to Dr. Barrett at his registered location, 13975 Manchester Road, Suite 4, Ballwin, Missouri. The Order to Show Cause was returned to DEA unclaimed with a notation on the envelope indicating that the forwarding order had expired. When DEA investigators visited Dr. Barrett's registered location, they found that the office was closed and had been boarded up. The Order to Show Cause was then sent registered mail to Dr. Barrett's home address of 591 Sunbridge Drive in Chesterfield, Missouri. Postal authorities were unsuccessful delivering the Order to Show Cause to the Sunbridge Drive address and therefore attempted to deliver the Order to Dr. Barrett at a third address of 1030 Meadowbrook in St. Charles, Missouri. The Order to Show Cause was returned unclaimed to DEA on June 9, 1994.

DEA has attempted to deliver the Order to Show Cause to Dr. Barrett at three different addresses. Despite the efforts of Postal authorities, each attempt has been unsuccessful. Dr. Barrett is therefore deemed to have waived his opportunity for a hearing. The Deputy Administrator now enters his final order in this matter without a hearing and based on the investigative file. See 21 CFR 1301.54(d) and 1301.57.

The Deputy Administrator finds that in May 1989, the Missouri Bureau of Narcotics and Dangerous Drugs (BNDD) inspected Dr. Barrett's clinic, located in Springfield, Missouri, for compliance with state controlled substance laws and regulations. Investigators found prescribed prescription pads belonging to Dr. Barrett which were apparently to be used for providing patients with controlled substances when Dr. Barrett was out of the office. Investigators also found that Dr. Barrett maintained controlled substances on the clinic premises. The Deputy Administrator notes that Dr. Barrett's Springfield clinic was not a registered location under the

Controlled Substances Act and that Dr. Barrett was therefore not permitted to maintain controlled substances at that location.

Based on the May 1989 inspection, BNDD issued an Order to Show Cause to Dr. Barrett alleging that he was in violation of state regulations requiring all registrants to provide effective controls against theft of controlled substances. Dr. Barrett and BNDD subsequently entered into a Memorandum of Understanding which stipulated that he would surrender his state controlled substance registration for thirty days, at which time he could reapply. The agreement also imposed other restrictions on Dr. Barrett's state controlled substance registration.

Despite persistent requests from BNDD, Dr. Barrett never executed the necessary surrender forms. However, by letter dated January 2, 1992, BNDD advised Dr. Barrett's counsel that since Dr. Barrett had ceased practicing at both his offices, his state controlled substance registrations had automatically terminated. BNDD informed Dr. Barrett's attorney that Dr. Barrett was no longer authorized by the State of Missouri to possess, prescribe, administer or dispense controlled substances but that he could reapply for registration.

The Deputy Administrator further finds that Dr. Barrett's state medical license was revoked on August 6, 1992, by the Missouri State Board for the Healing Arts (Board). The Board concluded that Dr. Barrett was repeatedly negligent in his treatment of patients. The Board further found that Dr. Barrett had violated state controlled substance laws by signing blank prescriptions.

It is well established that the DEA cannot register a practitioner who is not duly authorized to handle controlled substances in the state in which he does business. See 21 U.S.C. 823(f). DEA has consistently held that practitioners who lack state authorization to handle controlled substances cannot be registered with the Drug Enforcement Administration. See *Ramon Pla, M.D.*, 51 FR 41168 (1986); *George S. Heath, M.D.*, 51 FR 26610 (1986); *Dale D. Shahan, D.D.S.*, 51 FR 23481 (1986).

Consequently, the Deputy Administrator concludes that since Dr. Barrett is no longer authorized to handle controlled substances by the State of Missouri, Dr. Barrett's DEA Certificate of Registration should be revoked. Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104,